## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

\_\_\_\_

THE CHARTER OAK FIRE INSURANCE COMPANY as subrogor of BRAYMAN CONSTRUCTION CORPORATION,

Plaintiff,

**CIVIL ACTION** 

v.

NO. 19-0471

ALFRED BENESCH & COMPANY,
Defendant/Third Party Plaintiff,

v.

TRUMBULL CORPORATION,
Third Party Defendant,

\_\_\_\_:

## **ORDER**

**AND NOW**, this 31st day of March, 2020, upon consideration of the Motion to Dismiss the Third Party Complaint filed by Trumbull Corporation (ECF No. 31) and the Response in Opposition by Alfred Benesch & Company (ECF No. 32),

IT IS ORDERED that, consistent with the Memorandum filed on this date, the Motion to Dismiss is **GRANTED** as to the claim for contractual indemnification in Count I of the Third Party Complaint, and the Motion to Dismiss is **DENIED** in all other respects.

**IT IS FURTHER ORDERED** that Trumbull Corporation shall file its response to the Third Party Complaint within ten (10) days of the date of this Order.

BY THE COURT:

\_\_/s/ Henry S. Perkin\_\_\_\_

HENRY S. PERKIN United States Magistrate Judge